

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13037 of 2004

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Between:

Baske enkataiah S/o. Komuraiah,
Vanamala Kanaparthi Village, Hanamkonda Mandal,

Warangal District.

..... PETITIONER

AND

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1 The District Collector, Warangal, Government of A.P.,

Office at Subedari, Hanmakonda, Warangal District.

2 The Revenue Divisional Officer, Land Acquisition, Office

at Near Ashoka Contention Hall, Hanamkonda Town,

District Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order, more particularly one in the nature of Writ of Mandamus, declaring the inaction of Respondent No.2 in making payment of land Compensation for the Land Acquired in Survey No.25/D of Kadipikonda village, Hanamkonda Mandal, District, Warangal as per Gazette No. WGL/LA/11/2003, Dt. 31.08.2003 in RC.No.D/1444/2002 Form 2A Dt. 21.07.2003, as arbitrary and illegal and also in violation of Article 14 & 19 (1) (g) of the constitution of India and the provisions of Land Acquisition Act, and consequently to direct the Respondents to

pay the compensation for the acquired land of the petitioner in Survey No.25/D of Kadipikonda Village, Hanamkonda Mandal, District Warangal.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

ORAL ORDER:

The petitioner claims to be the owner of land admeasuring Acs.1.04 gts. Comprising in S.No.25/D of Kadipikonda village, Hanamkonda Mandal, Warangal District. By notification dated 21-7-2002, issued under Section 4(1) of the Land Acquisition Act 1923 (for short 'the Act') the land in S.No.25/D and the land in other survey numbers in the said village are sought to be acquired for public purpose i.e., for the construction of Road Over Bridge. The petitioner made a representation on 18-6-2004 claiming compensation for the land. He apprehends that the Land Acquisition Officer might pay the compensation to other persons without considering the claim of the petitioner. Therefore, he filed the present writ petition seeking a direction to the respondents to pay the compensation for the land acquired allegedly belonging to the petitioner.

After getting instructions the learned Government Pleader for Revenue (Land Acquisition) submits that the award enquiry is yet to be completed and the writ petition is filed on mere apprehension. Therefore, the Writ Petition is disposed of directing the second respondent to consider the representation of the petitioner along with the applications made by the claimants at the time of apportionment/payment of the compensation. If the dispute cannot be resolved by Land Acquisition Officer to the satisfaction of rival claimants, the same may be referred to the Civil Court under Section 30 of the Act.

With the above observations, the Writ Petition is disposed of. No costs.

V.V.S. RAO, J.

27th July, 2004

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The District Collector, Warangal, Government of A.P.,

Office at Subedari, Hanmakonda, Warangal District.

2 The Revenue Divisional Officer, Land Acquisition, Office

at Near Ashoka Contention Hall, Hanamkonda Town,

District Warangal.

3 Two CCs to G.P. for Land Acquisition, High Court

Buildings, Hyderabad. (OUT)

4 2 CD copies.

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